**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-33 (cancelled).

34 (currently amended). Crystalline moxifloxacin hydrochloride hydrated form A, characterized by an X-ray diffraction spectrum having the following principal peaks:

| Angle (2Θ) | D (Å) | Rel. Intens. ($I/I_0$) |
|---|---|---|
| 5.815 | 15.1858 | 49.8 |
| 7.220 | 12.2335 | 100.0 |
| 8.575 | 10.3032 | 86.1 |
| 10.335 | 8.5522 | 87.2 |
| 12.310 | 7.1842 | 19.4 |
| 13.200 | 6.7018 | 17.0 |
| 14.085 | 6.2826 | 16.3 |
| 14.535 | 6.0891 | 11.1 |
| 14.870 | 5.9527 | 20.6 |
| 15.185 | 5.8299 | 17.6 |
| 15.675 | 5.6487 | 1.9 |
| 16.620 | 5.3296 | 18.3 |
| 17.335 | 5.1114 | 60.1 |
| 17.850 | 4.9650 | 80.9 |
| 19.315 | 4.5916 | 53.7 |
| 19.760 | 4.4892 | 19.1 |
| 20.375 | 4.3551 | 2.5 |
| 21.640 | 4.1033 | 47.6 |
| 22.295 | 3.9842 | 12.7 |
| 23.160 | 3.8373 | 4.2 |
| 23.625 | 3.7628 | 1.9 |
| 24.705 | 3.6007 | 26.9 |
| 25.115 | 3.5428 | 17.6 |
| 25.815 | 3.4483 | 15.6 |
| 26.440 | 3.3682 | 39.4 |
| 27.365 | 3.2564 | 36.3 |
| 27.970 | 3.1874 | 17.8 |
| 28.360 | 3.1444 | 14.5 |

| | | |
|---|---|---|
| 29.015 | 3.0749 | 28.2 |
| 29.965 | 2.9795 | 13.9 |
| 30.545 | 2.9243 | 4.8 |
| 31.575 | 2.8312 | 5.9 |
| 32.270 | 2.7718 | 12.2 |
| 33.900 | 2.6421 | 6.4 |

35 (currently amended). Crystalline moxifloxacin hydrochloride hydrated form A, characterized by an X-ray diffraction spectrum as shown in Figure 1.

36 (currently amended). Crystalline moxifloxacin hydrochloride hydrated form A, characterized by a solid-state $^{13}$C-NMR spectrum as shown in Figure 2.

37 (currently amended). Crystalline moxifloxacin hydrochloride hydrated form A, characterized by an IR spectrum as shown in Figure 3.

38 (canceled).

39 (currently amended). A method for the preparation of crystalline moxifloxacin hydrochloride hydrated form A, which comprises the steps of:

a) suspending moxifloxacin hydrochloride in a solvent selected from alcohols and polyols or mixtures thereof, in which the resulting mixture has an overall water content of between 2.5% and 0.01% by weight,

b) heating the mixture under reflux,

c) cooling, and

d) isolating the product.

40 (previously presented). A method according to claim 39 in which the moxifloxacin hydrochloride in step a) is in anhydrous or monohydrate crystalline form.

41 (previously presented). A method according to claim 40 in which the moxifloxacin hydrochloride is in an anhydrous form having a water content of less than 0.3%.

42 (previously presented). A method according to claim 39 in which the solvent is a $C_1$-$C_6$ alcohol or polyol.

43 (previously presented). A method according to claim 39 in which the solvent has a water content of between 1% and 0.01%.

44 (previously presented). A method according to claim 39 in which the mixture is cooled to room temperature.

45 (previously presented). A method according to claim 39 in which the solvent is used in a ratio of between 50:1 and 2:1, the ratio being expressed as ml of solvent per gram of moxifloxacin hydrochloride.

46 (previously presented). A method according to claim 39 in which the mixture is heated under reflux for at least 1 hour.

47-56 (canceled).

57 (withdrawn). Moxifloxacin hydrochloride form B, characterized by an X-ray diffraction spectrum having the following principal peaks:

| Angle (2Θ) | D (Å) | Rel. Intens. ($I/I_0$) |
|---|---|---|
| 5.700 | 15.4919 | 24.0 |
| 7.200 | 12.2675 | 100.0 |
| 8.470 | 10.4307 | 18.9 |
| 8.820 | 10.0176 | 91.6 |
| 10.505 | 8.4142 | 44.0 |
| 11.405 | 7.7522 | 14.6 |
| 12.220 | 7.2369 | 5.9 |
| 13.200 | 6.7018 | 16.2 |
| 13.925 | 6.3544 | 18.1 |
| 14.415 | 6.1395 | 26.6 |
| 14.740 | 6.0049 | 49.9 |
| 15.395 | 5.7508 | 4.9 |
| 16.600 | 5.3360 | 20.7 |
| 17.180 | 5.1571 | 13.7 |
| 17.705 | 5.0054 | 68.7 |
| 18.710 | 4.7387 | 13.7 |
| 19.105 | 4.6416 | 26.2 |
| 19.865 | 4.4657 | 11.8 |
| 20.155 | 4.4021 | 7.6 |
| 21.055 | 4.2159 | 2.4 |
| 21.545 | 4.1211 | 16.9 |
| 22.155 | 4.0090 | 17.3 |
| 22.690 | 3.9157 | 11.8 |
| 22.905 | 3.8794 | 10.5 |
| 24.610 | 3.6144 | 18.7 |
| 24.955 | 3.5652 | 10.0 |
| 25.385 | 3.5058 | 7.0 |
| 25.815 | 3.4483 | 14.5 |
| 26.195 | 3.3992 | 16.3 |
| 26.605 | 3.3477 | 18.4 |
| 26.960 | 3.3044 | 28.7 |
| 27.265 | 3.2681 | 37.0 |
| 28.045 | 3.1790 | 9.0 |
| 28.730 | 3.1047 | 22.2 |

| | | |
|---|---|---|
| 29.110 | 3.0651 | 8.5 |
| 29.745 | 3.0011 | 9.6 |
| 30.170 | 2.9598 | 6.2 |
| 31.440 | 2.8430 | 4.1 |
| 31.795 | 2.8121 | 1.9 |
| 32.145 | 2.7823 | 3.1 |
| 32.410 | 2.7601 | 2.5 |
| 33.385 | 2.6817 | 1.8 |

58 (withdrawn). Moxifloxacin hydrochloride form B, characterized by an X-ray diffraction spectrum as shown in Figure 6.

59 (withdrawn). Moxifloxacin hydrochloride form B, characterized by an IR spectrum as shown in Figure 7.

60 (withdrawn). Moxifloxacin hydrochloride form B, characterized by a DSC graph as shown in Figure 8.

61 (withdrawn). A method for the preparation of moxifloxacin hydrochloride form B, which comprises the steps of :

a) suspending moxifloxacin hydrochloride in a solvent selected from alcohols and polyols or mixtures thereof, in which the resulting mixture has an overall water content of between 2.5% and 0.01% by weight,

b) heating the mixture under reflux,

c) cooling,

d) isolating the product,

e) reslurrying at reflux the solid in a solvent selected from alcohols and polyols or mixtures thereof, in which the resulting mixture has an overall water content of between 2.5% and 0.01% by weight and

f) isolating the product.

62 (withdrawn). A method according to claim 61 in which the moxifloxacin hydrochloride in step a) is in anhydrous or monohydrate crystalline form.

63 (withdrawn). A method according to claim 62 in which the moxifloxacin hydrochloride is in an anhydrous form having a water content of less than 0.3%.

64 (withdrawn). A method according to claim 61 in which the solvent of steps a) and e) is a $C_1$-$C_6$ alcohol or polyol, preferably ethanol or isopropanol.

65 (withdrawn). A method according to claim 61 in which the solvent of steps a) and e) has a water content of between 1% and 0.01%, preferably between 0.3% and 0.01%, more preferably between 0.1% and 0.01%.

66 (withdrawn). A method according to claim 61 in which the mixture is cooled to room temperature.

67 (withdrawn). A method according to claim 61 in which the solvent is used in a ratio of between 50:1 and 2:1, preferably between 30:1 and 5:1, more preferably

about 10:1, the ratio being expressed as ml of solvent per gram of moxifloxacin hydrochloride.

68 (withdrawn). A method according to claim 61 in which step e) is performed by heating the mixture under reflux for 1 to 4 hours, preferably for about 2 hours.

69 (withdrawn). A method for treating bacterial infections, which comprises administering moxifloxacin hydrochloride form B according to claim 57 to a patient in need of such a treatment.

70 (withdrawn). A method for treating bacterial infections, which comprises administering moxifloxacin hydrochloride form B according to claim 58 to a patient in need of such a treatment.

71 (withdrawn). A method for treating bacterial infections, which comprises administering moxifloxacin hydrochloride form B according to claim 59 to a patient in need of such a treatment.

72 (withdrawn). A method for treating bacterial infections, which comprises administering moxifloxacin hydrochloride form B according to claim 60 to a patient in need of such a treatment.

73 (withdrawn). Pharmaceutical compositions comprising moxifloxacin hydrochloride form B according to claim 57 and at least one pharmaceutically acceptable excipient.

74 (withdrawn). Pharmaceutical compositions comprising moxifloxacin hydrochloride form B according to claim 58 and at least one pharmaceutically acceptable excipient.

75 (withdrawn). Pharmaceutical compositions comprising moxifloxacin hydrochloride form B according to claim 59 and at least one pharmaceutically acceptable excipient.

76 (withdrawn). Pharmaceutically compositions comprising moxifloxacin hydrochloride form B according to claim 60 and at least one pharmaceutically acceptable excipient.

77 (currently amended). A pharmaceutical composition in the form of a tablet containing ~~C~~crystalline moxifloxacin hydrochloride form A according to claim 34 ~~in the form of a tablet~~.

78 (currently amended). A pharmaceutical composition in the form of a tablet containing c~~C~~rystalline moxifloxacin hydrochloride form A according to claim 35 ~~in the form of a tablet~~.

79 (currently amended). A pharmaceutical composition in the form of a tablet containing c~~C~~rystalline moxifloxacin hydrochloride form A according to claim 36~~ in the form of a tablet~~.

80 (currently amended). A pharmaceutical composition in the form of a tablet containing c~~C~~rystalline moxifloxacin hydrochloride form A according to claim 37~~ in the form of a tablet~~.

81-88 (canceled).

89 (withdrawn). A method according to claim 42 in which the solvent is ethanol or isopropanol.

90 (withdrawn). A method according to claim 43 in which the solvent has a water content of between 0.3% and 0.01%.

91 (withdrawn). A method according to claim 90 in which the solvent has a water content of between 0.1% and 0.01%.

92 (withdrawn). A method according to claim 45 in which the solvent is used in a ratio of between 30:1 and 5:1.

93 (withdrawn). A method according to claim 92 in which the solvent is used in a ratio of about 10:1.

94 (withdrawn). A method according to claim 46 in which the mixture is heated under reflux for about 4 hours.